

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 6/4/08

----- X

YEMISI AKINYEMI,

:

Plaintiff,

:

07 Civ. 4048 (AJP)

-against-

:

ORDER

MICHAEL CHERTOFF, Secretary, Department
of Homeland Security,

:

:

Defendant.

:

----- X

ANDREW J. PECK, United States Magistrate Judge:

Presently before the Court is plaintiff's motion in limine. (Dkt. No. 64; see also Dkt. No. 65: Akinyemi Motion in Limine Br.) For the reasons set forth below, the motion is denied in part and granted in part.

1. Akinyemi moves to preclude Susan Mitchell from testifying about "airport security procedures" at Newark Airport on the ground that she was a higher level supervisor who did not work at the airport. The motion is denied without prejudice to objections at trial if Mitchell's testimony is, as plaintiff claims, only based on hearsay.

2. Akinyemi moves to preclude DX 123-134. The motion is denied (subject to objections at trial if the exhibits are overly repetitive). To avoid having to recall witnesses after the

jury verdict, the Court likely will allow testimony in front of the jury on equitable issues (such as back/front pay), whether or not those issues go to the jury.

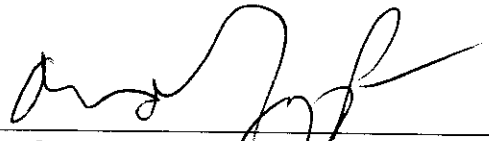
3. Plaintiff moves to preclude DX 136, 137, 139 and 140. The documents are inadmissible hearsay, unless the author testifies or the exhibit is offered for a non-hearsay purpose (i.e., not for the truth). Plaintiff should renew the objection if defendant improperly offers any of these exhibits at trial.

CONCLUSION

Plaintiff's motion in limine (Dkt. No. 64) is denied in part and granted in part.

SO ORDERED.

Dated: New York, New York
June 4, 2008



Andrew J. Peck
United States Magistrate Judge

Copies **by fax & ECF** to: Kenechukwu Chudi Okoli, Esq.
John D. Clopper, Esq.